GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:6207
ANSWERED ON:07.05.2002
MINORITY STATUS TO CENTRAL UNIVERSITIES
ALE NARENDRA

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether there is any policy of the Government for granting "Minority Status" to the Central Universities;

(b) if so, the details of Central Universities in the country which have been granted "Minority Status";

(c) whether the demands to accord 'Minority Status' to some universities have also been supported by the National Commission on Minorities;

(d) if so, whether the Government have examined these demands; and

(e) if so, the action taken by the Government in respect of such demand?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (PROF. RITA VERMA)

(a) to (e): Policy norms and principles for recognition of minority managed educational institutions (other than those meant exclusively for imparting religion instruction) evolved by the Government of India and forwarded to the State Governments/Union Territory Administrations in October 1989 are given in Appendix. However, the definition and scope of the word "Minority" and the related issues, including the indica for treating an educational institution as a minority educational institution, are, presently, under consideration of the Eleven-Judge Constitution Bench of the Hon'ble Supreme Court of India. One of the Central Universities, namely, Aligarh Muslim University, is an intervener in the case.
APPENDIX

POLICY NORMS AND PRINCIPLES FOR RECOGNITION OF MINORITY MANAGED EDUCATIONAL INSTITUTIONS (OTHER THAN THOSE MEANT EXCLUSIVELY FOR IMPARTING RELIGIOUS INSTRUCTION) REFERRED TO IN REPLY TO PARTS (e) OF LOK SABHA UNSTARRED QUESTION NO. 6207 DATED 7TH MAY, 2002 REGARDING 'MINORITY STATUS TO CENTRAL UNIVERSITIES' BY SHRI A.NARENDRA

1. Minorities can be based either on religion or on language.

2. Minorities may be in terms of a religious or linguistic community which is numerically less than 50 per cent of the population of the State concerned.

3. The agency managing the educational institution will have to possess some legal status an Association of persons registered under the Societies Registration Act or a body with corporate soul etc.

4. Admission into minority managed educational institutions need not be confined to members of the minority.

5. Right to administer educational institutions shall be subject to reasonable regulations, which may include:-

- Stipulations regarding conditions of recognition by relevant authorities (such as Directorate of Education, Boards of Secondary Education, universities, AICTE);

- Qualifications and conditions or service of teachers;

- a requirement that the educational institutions run by minority shall do nothing which may come in the way of communal and social harmony;

- a requirement that the institution will not use its privilege as minority administered institution for pecuniary benefit of an individual or group;

- disciplinary rules of the institutions in respect of their teaching and non-teaching staff being consistent with principles of natural justice;

- observance of principles of sound adminstration;

- enforcement of general laws of the land pertaining to the educational institutions concerned;

6. The minority managed educational institutions shall have the freedom to appoint any qualified candidate, but it would be advisable for them to select teachers and other employees through Employment Exchange or open advertisement.

7. Teachers in minority managed educational institutions should possess requisite qualifications.

8. The regulations shall not be such as to render the constitutional rights of the minorities nugatory, for example:-

- Conditions that the Government shall have the right to take over the management of the institution;

- that the Government shall have powers to constitute managing committees;

- that the Governing Body of the institution shall include persons other than members of the minority community;

- that the Government can require the institution to reserve seats;

- that scholars of the institution would not be eligible to opportunities in higher education;

- that the Government shall have the right to insist on use of any language as the medium of instruction;

- that the institution shall not charge fees from students, etc.

The stipulations should be regulatory and/or educational character and conducive to making the institutions effective vehicles of education for minority communities.

9. There shall be no discrimination between minority and non-minority educational institutions in the matter of sanctioning grants-in-aid. Such grant-in-aid can be made conditional upon appropriate regulatory measures to ensure that the funds are used for purposes for which they are sanctioned.

10. Minority managed educational institutions receiving State aid:-

- shall not deny admission to persons outside the minority on grounds of religion, caste, etc.

- shall not, without the consent of the pupil or his guardian, impart religious instructions or compel students to attend religious worship.

11. Procedures should be clearly laid down in respect of :-

- eligibility of a society/trust to be treated as minority;
- competent authority to grant recognition;
- procedure for grant/withdrawal of recognition;
- time limits for making decision.

12. Where recognition is not considered favourably, grounds of rejection shall be communicated to the educational institution to help it overcome obstacles in the way of recognition.